

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: GARY CROSS

Application No. 10/042,505

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On June 27, 2006, the Appellant filed a "Response to Final Office Action". On July 7, 2006, the Examiner approved entry of this reply in an Advisory Action. On August 28, 2006, the Appellant stated in the "Status of Amendments" section that the "Amendment" filed June 27, 2006, was not entered by the Examiner. The Examiner's Answer mailed November 15, 2006 stated that, "No amendment after final has been filed. The appellant's statement of the status of amendments after final rejection contained in the brief is correct."

Correction is required.

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CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) for submission of a PTOL-90 which clarifies the "Status of Amendment filed June 27, 2006"; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/tsj

cc: IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS TX 75380